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7 Attorney for Eugenio Miramontes-Zavala

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11

12 Plaintiff,

13 v.

14 EUGENIO MIRAMONTES-ZAVALA,
15

Defendant.

Case No. 2:22-mj-00917-DJA

ORDER TO CONTINUE
PRELIMINARY HEARING
(Second Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Edward G. Veronda, Assistant United States Attorney, counsel for
19 the United States of America, and Rene L. Valladares, Federal Public Defender, and Jacquelyn
20 N. Witt, Assistant Federal Public Defender, counsel for Eugenio Miramontes-Zavala, that the
21 Preliminary Hearing currently scheduled on March 13, 2023, be vacated and continued to a date
22 and time convenient to the Court, but no sooner than forty-five (45) days.

23 This Stipulation is entered into for the following reasons:

24 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
25 preliminary hearing within a reasonable time, but no later than 14 days after the initial
26 appearance if the defendant is in custody”

1 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
2 showing of good cause—taking into account the public interest in the prompt disposition of
3 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times
4”

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6 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
7 information or indictment charging an individual with the commission of an offense shall be
8 filed within thirty days from the date on which such individual was arrested or served with a
9 summons in connection with such charges.”

10 4. Mr. Miramontes-Zavala has a Change of Plea hearing scheduled for April 17,
11 2023, and a continuance of the preliminary hearing is required to allow Mr. Miramontes-Zavala
12 to enter his plea.

13 5. Defense counsel needs additional time to discuss this case with Mr. Miramontes-
14 Zavala.

15 6. The defendant is in custody and agrees with the need for the continuance.

16 7. The parties agree to the continuance.

17 In addition, the parties stipulate and agree that the time between today and the scheduled
18 preliminary hearing is excludable in computing the time within which the defendant must be
19 indicted, and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §
20 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

21 DATED this 9th day of March, 2023.
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1 RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

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3 By /s/ Jacquelyn N. Witt

By /s/ Edward G. Veronda

4 JACQUELYN N. WITT
5 Assistant Federal Public Defender

EDWARD G. VERONDA
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 EUGENIO MIRAMONTES-ZAVALA,

7 Defendant.
8

Case No. 2:22-mj-00917-DJA

ORDER

9
10 IT IS THEREFORE ORDERED that the revocation hearing currently scheduled for
11 Monday, March 13, 2023 at 4:00 p.m., be vacated and continued to
12 April 24, 2023, at 4:00 p.m., Courtroom 3A.

13 DATED this 9th day of March, 2023.



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16 DANIEL J. ALBREGTS
United States Magistrate Judge
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